IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29429 of 2007(C)

PETITIONERS:
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1. ALL KERALA RETAIL RATION DEALER'S ASSOCIATION, KARTHIKAPPALLY TALUK, HARIPAD, (REG.NO.540/89), REPRESENTED BY ITS PRESIDENT K.APPUKUTTAN.

2. R.SOMASEKHARAN, ARD NO.73, ERUVA P.O., KAYAMKULAM.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. THE DIRECTOR, CIVIL SUPPLIES DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ALAPPUZHA.

3. THE DISTRICT SUPPLIES OFFICER, ALAPPUZHA.

4. THE TALUK SUPPLY OFFICER, KARTHIKAPPALLY, HARIPPAD P.O.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 29429 OF 2007 C
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Dated this the 4th October, 2007

J U D G M E N T

The prayer in this writ petition is to quash Exts. P2 and P3 which contains a direction to check the ration cards. A direction to the respondents to afford adequate opportunity to the members of the petitioner-Association before any action as proposed in Exts. P2 and P3 is taken is also sought for. Further a direction to the 2nd respondent to consider Ext. P4 representation keeping in abeyance all further proceedings pursuant to Exts. P2 and P3 is also prayed for.

2. The proceedings impugned in this writ petition were initiated by the respondents following the seizure of one truck load of ration articles at Aluva which was meant to be supplied under the public distribution system at Kayamkulam. Thereafter an enquiry was initiated and as a part thereof the respondents are proceeding to verify the correctness of the endorsements made in the register maintaianed by the

dealers with reference to the cards that are retained by the general public. The submission of the petitioner is that the cards held by the public were valid only till 31-12-2006 and therefore there could be discrepancies which can be used against them if a unilateral investigation is allowed to be conducted by the respondents. In essence, what the petitioner seeks is a direction to the respondents that they should also be allowed to participate in the enquiry that is now held.

3. Here is a case where the authorities are conducting enquiries to find out whether any irregularity has been committed by the members of the petitioner in the matter of distribution of articles meant for the public distribution system. In that process it is for the respondents to conduct their own enquiries and at this stage, the petitioner or its members have no role to play. They can certainly seek to verify or ask to be given a chance to prove their innocence. However, that is only when proceedings are initiated against them on the basis of the evidence or other materials that are collected by the authorities

in the course of the investigation that is now going on. Therefore the stage for the petitioner to be put on notice or given an opportunity to rebut the evidence that is collected against them has not come. Hence, at this stage the petitioner cannot ask for any involvement in the proceedings that are now conducted by the authorities.

4. The petitioner says that now that the cards held by the public are expired with effect from 31-12-2006, the respondents should confine their enquiry to the registers maintained by the petitioners. This is equally untenable. It is certainly to ascertain the correctness of the entries in the registers maintained by the members of the petitioner Association, that the respondents are verifying the cards. Therefore, what the petitioner is seeking is to stop collection of evidence and to take their registers as the last word which cannot be permitted.

5. The last submission made by the counsel for the writ petitioner that Ext. P4 representation has to be considered by the 2nd respondent, deferring proceedings pursuant to Ext. P2. If Ext. P4 has been received by

the 2nd respondent it is upto the 2nd respondent to consider the same and do what is necessary. But then I am not prepared to stall the proceedings further pursuant to Exts. P2 and P3, pending decision on Ext. P4. Therefore independent of the investigation that is going on, the 2nd respondent is free to consider Ext. P4 and take appropriate decision as he deems fit.

The writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-